

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DAVID WAYNE OATES,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05-cv-00416-MEF-SRW
)	
COOSA COUNTY JAIL, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO STAY PROCEEDINGS
PENDING A RULING ON REPORT AND RECOMMENDATIONS

COME NOW the Defendants, the Coosa County Jail, Ricky Owens, Sheriff of Coosa County, Alabama, Sergeant Wendy Robinson, and Correctional Officer Al Bradley, and move this Court to stay the proceedings in this pending a ruling on the Magistrate Judge's Report and Recommendations entered on May 9, 2005 – that the Plaintiff's claims against the Coosa County Jail be dismissed – and May 24, 2005 – that the Plaintiff's claims be dismissed as moot. As grounds therefor, the Defendants state as follows:

1. This Court entered an Order for the Defendants to file an Answer and Special Report on or before June 15, 2005.
2. On May 9, 2005, Magistrate Judge Susan Russ Walker, entered a Report and Recommendation that Plaintiff's claims against the Coosa County Jail be dismissed with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i), and that the Plaintiff's claims against the remaining Defendants be referred back for appropriate proceedings. Objections to this Report and Recommendation were due to be filed on or before May 23, 2005.

3. On May 24, 2005, Magistrate Judge Susan Russ Walker entered a Report and Recommendation that the Plaintiff's remaining claims be dismissed as moot. Objections to this Report and Recommendation were due to be filed on or before June 6, 2005.

4. On June 3, 2005, the Plaintiff filed an untimely Objection to the Report and Recommendation entered on May 9, 2005, and a timely Objection to the Report and Recommendation entered on May 24, 2005.

5. To date, no Order has been entered regarding the above-mentioned Report and Recommendations.

6. In the interest of judicial economy, the Defendants request a stay for the filing of their Special Report and Answer, pending a ruling on the Report and Recommendations entered in this matter.

WHEREFORE, PREMISES CONSIDERED, Defendants the Coosa County Jail, Ricky Owens, Sheriff of Coosa County, Alabama, Sergeant Wendy Robinson, and Correctional Officer Al Bradley move this Court to stay the proceedings pending a ruling on the Magistrate Judge's Report and Recommendations.

Respectfully submitted this 13th day of June, 2005.

s/Kelly Gallops Davidson
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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of June, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed by United States Mail, postage prepaid, to the following non-CM/ECF participants:

David Wayne Oates
Clay County Jail
P.O. Box 757
Ashland, Alabama 36521

s/Kelly Gallops Davidson
OF COUNSEL